

**UNITED STATES DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

Richfield Field Office

150 East 900 North

Richfield, Utah 84701

(435) 896-1500

**DECISION RECORD**

**Canyonlands HMA Gather Plan**

DOI-BLM-UT-C020-2022-0017-EA

**I. DECISION**

Based on my review of the Canyonlands Herd Management Area (HMA) Gather Plan Environmental Analysis (EA) and Finding of No Significant Impact (FONSI), it is my decision to select and implement the Proposed Action with modifications as described below. As described in the EA, under the Proposed Action, the Bureau of Land Management (BLM) will gather and remove excess wild burros within and those that have strayed outside the HMA to low Appropriate Management Level (AML) as expeditiously as feasible through one or more gathers over a ten-year period from the initial gather. Population growth suppression (PGS) will be used to slow population growth to reduce the number of gathers needed to maintain the population within AML. The initial gather will capture up to 100 burros and remove up to 91 burros. Subsequent management actions including gathers, PGS application and introduction of animals from other herd areas will consider the results of genetic diversity analysis and observed herd health. If needed for monitoring purposes, burros will be equipped with GPS tracking units (either collar or tag). All design features listed in 2.2.1.5 of the EA will be implemented as will the guidance and Standard Operating Procedures (SOPs) found in Appendix 3, 4, 5, and 6 of the EA. Using the design features and SOPs listed, this decision has adopted all practicable means to avoid or minimize environmental harm from the selected alternative.

This decision includes the following modifications to the Proposed Action in order to address concerns raised during the development of the EA. This decision only authorizes PGS treatments on up to a total of 10 female burros that will include the use of PZP or GonCon-Equine immunocontraceptive vaccines. These treatments will only be administered after results from genetic testing have been received. IUDs will not be used at this time on Canyonlands burros. If an appropriately sized IUD is developed for burros the BLM may consider previous analysis and any new information available consistent with all applicable laws including, but not limited to, the National Environmental Policy Act (NEPA), and a decision may be issued for their use.

This decision is effective immediately pursuant to 43 CFR § 4770.3(c).

**II. COMPLIANCE AND MONITORING**

As described in Chapter 2 of the EA, BLM personnel will collect and maintain data during gather and removal operations. An Animal and Plant Inspection Service (APHIS) or other licensed veterinarian will be on-site, if needed, to examine animals and make recommendations to BLM for care and treatment of the wild burros. Population inventory via aerial survey will be conducted every three to four years on the HMA as required by the WFRHBA and BLM policy. Vegetation

monitoring studies (e.g., rangeland health, trend, and utilization) will continue to be conducted in conjunction with livestock, wildlife, and wild burro use.

### **III. AUTHORITIES**

The authorities for this Decision include, but are not limited to:

- Wild and Free Roaming Horses and Burros Act of 1971
- Federal Land Policy and Management Act of 1976
- Regulations at 43 CFR Part 4700 (Protection, Management, and Control of Wild Free-Roaming Horses and Burros)

### **IV. ALTERNATIVES CONSIDERED**

Based on identified issues, I considered three (3) alternatives in detail (Section 2.2).

**Proposed Action:** Proposed Action - Gather and remove excess wild burros from the Canyonlands HMA and population growth suppression using fertility control vaccines and IUDs.

**Alternative 2:** Gather and remove excess wild burros without population growth suppression.

**Alternative 3:** No Action - No gather, removal, or population growth suppression.

An additional eleven (11) alternatives were considered but not carried forward for detailed analysis: (1) Population growth suppression without removals, (2) Removal or reduction of livestock within the HMA, (3) Gather wild burros to the AML upper limit, (4) Raising the AML for wild burros, (5) Population growth suppression treatment only including using bait/water trapping to dart jennies with PZP remotely (no removal), (6) Bait or water trap only, (7) Controlling wild burro numbers by natural means, (8) Gather and release excess wild burros every two years and apply two-year PZP to burros for release, (9) Use of gelding as non-reproductive population to reduce population growth rate, (10) Use alternative capture techniques instead of helicopters to capture excess wild burros, (11) Designate the Canyonlands HMA to be managed principally for wild burro herds. The reasons for not considering these alternatives in detail are documented in Section 2.3 of the EA.

Among the alternatives analyzed in detail, I did not select Alternative 2 or 3 because they lack the necessary flexibility for the long-term management of the Canyonlands burro herd and they do not allow the Richfield Field Office to effectively manage the wild burro population within established AML. These alternatives were not superior to the Proposed Action in meeting the Purpose and Need for agency action (EA at section 1.2).

Alternative 2 (Gather and Removal Only) was not selected because the only active management tool is the use of helicopter gathers or bait/water trapping. The population growth rate will be higher than that of the Proposed Action.

Alternative 3 (No Action) was not selected because implementing this alternative will result in long-term rangeland degradation and failure to maintain a Thriving Natural Ecological Balance (TNEB). It defers agency action in the active management of wild burros, and it does not manage for rangeland health.

## **V. RATIONALE FOR DECISION**

As discussed in the EA (Section 1.1), BLM has determined that there are excess wild burros within and outside the Canyonlands HMA and that excess burros need to be removed and population growth suppressed to restore and maintain a TNEB within BLM's multiple use mandate. The current estimated population is over 151 wild burros within the HMA and surrounding area (Table 2.1 and Population Inventory, Appendix 8). This is well above the lower AML of 60 burros. Analysis of ongoing range monitoring data indicates that wild burros are contributing to the degradation of rangeland health (Section 3.3.2). The area was experiencing exceptional drought (EA Appendix 7) and is currently in moderate to severe drought conditions that are resulting in decreased forage and water availability. Excess burros are consuming more water and forage resources than allocated for burro use in the Richfield RMP (Section 3.3.3). Reducing the impacts of excess wild burros on vegetation and water resources will improve and assist in achieving rangeland health standards, including a TNEB. Removing excess wild burros will allow more water and forage resource availability for the remaining wild burros, wildlife and permitted livestock that remain in the area (Section 3.3). These benefits will allow for continued multiple use and sustained yield.

While the BLM's plan is to promptly achieve population levels at low AML, it is unlikely that a single gather can achieve this because of limitations on gather efficiency (animals evading capture during gather operations), logistics (e.g., weather conditions, terrain, and large geographic area to be gathered), space capacity (for holding removed animals), and contractor availability and expertise that constrain the number of gathers that can be conducted annually at the national level. Often this requires more than a single gather to bring a specific wild burro population to within AML, only if to capture animals that would have been removed if they had not evaded capture during the gather or because a gather was ended early due to inclement weather conditions. BLM's management to achieve a TNEB is also not limited to removing excess animals, but also includes measures to reduce annual population growth and to allow for recovery of degraded vegetation and riparian areas impacted by the wild burro overpopulation (Section 3.3). These objectives require a sufficient time frame to achieve.

For this reason, a 10-year plan is needed to remove excess wild burros and bring the population down to low AML, implement population control measures over a sufficient period of time to reduce population growth and measurably reduce the number of excess animals that would need to be removed from the Canyonlands HMA, and to provide enough time for vegetative and riparian resources to recover and reestablish (Section 2.2.1). Due to gather efficiency and aerial survey under estimation of existing populations and population reproduction growth, it is anticipated that after the initial gather, there will be the need for at least one or more follow-up gathers in order to remove all excess animals above the low AML and gathers will also be necessary over the course of the ten-year period to apply population control measures that will help reduce the overall population growth rate (Section 1.4). Since vegetative and riparian recovery occurs slowly, even after the immediate overpopulation has been addressed, management for a TNEB to allow for recovery of degraded resources will require maintaining the wild burro population within the AML range and therefore may require removal of animals above AML during the 10-year decision period to ensure range recovery.

In summary, implementation of this decision will result in the following:

- Achieve HMA population levels at the lower end of the AML range by removing excess burros and implementing population growth suppression (Section 2.2.1).
- In the long term, maintain the wild burro populations within the HMA at a level within the established AML (Section 2.2.1).
- Reduce negative impacts to rangeland resources from an excess of wild burros and promote the improvement of wild burro habitat within the HMA. This will ensure progress towards attainment of

standards for healthy rangelands and that a healthy population of wild burros is maintained in a TNEB for generations (Section 3.3.2).

Decreasing the numbers of excess wild burros on the range is consistent with findings and recommendations from the National Academy of Sciences (NAS), American Horse Protection Association (AHPA), the American Association of Equine Practitioners (AAEP), Humane Society of the United States (HSUS), Government Accountability Office (GAO), Office of Inspector General (OIG) and current BLM policy (Section 1.4 and Section 1.5).

## **VI. PUBLIC INVOLVEMENT**

Notification of the proposed action was posted to the BLM's ePlanning website May 27, 2022 (<https://eplanning.blm.gov/eplanning-ui/project/2019899/510>). The BLM offered a 30-day public comment period on the EA beginning November 1, 2022. The EA was provided on the project's ePlanning website and announced through a news release, letters, and emails. Public comments are summarized in Appendix 9 of the EA.

## **VII. RIGHT OF PROTEST AND/OR APPEAL**

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and attached Appeal Form 1842-1. This decision is effective immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the IBLA issues a stay pursuant to 43 CFR 4.21(b).

## **VIII. APPROVAL**

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David Mortensen, Field Manager

Attachment

1. Appeal Form 1842-1

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
**AND**
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

<b>I. NOTICE OF APPEAL.....</b>	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that they wish to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.41 I and 4.413).
<b>2. WHERE TO FILE</b>	Field Office Manager, Bureau of Land Management Richfield Field Office, Color Country District 150 East 900 North Richfield, Utah 84701
NOTICE OF APPEAL.....	Office of the Solicitor, Intermountain Regional Office Federal Building, Suite 6201 125 South State Street Salt Lake City, UT 84138-1180
<b>3. STATEMENT OF REASONS</b>	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	Office of the Solicitor, Intermountain Regional Office Federal Building, Suite 6201 125 South State Street Salt Lake City, UT 84138-1180
<b>4. SERVICE OF DOCUMENTS</b>	A party that files any document under 43 CFR Subpart 4, must serve a copy of it concurrently on the appropriate official of the Office of the Solicitor under 43 CFR 4.413(c) and 4.413(d). For a notice of appeal and statement of reasons, a copy must be served on each person named in the decision under appeal and for all other documents, a copy must be served on each party to the appeal (including intervenors). Service on a person or party known to be represented by counsel or other designated representative must be made on the representative. Service must be made at the last address of record of the person or party (if unrepresented) or the representative, unless the person, party or representative has notified the serving party of a subsequent change of address.
<b>5. METHOD OF SERVICE....</b>	If the document being served is a notice of appeal, service may be made by (a) Personal delivery; (b) Registered or certified mail, return receipt requested; (c) Delivery service, delivery receipt requested, if the last address of record is not a post office box; or (d) Electronic means such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing. All other documents may be served by (a) Personal delivery; (b) Mail; (c) Delivery service, if the last address of record is not a post office box; or (d) Electronic means, such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing.
<b>6. REQUEST FOR STAY.....</b>	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

## 43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Grand Junction, CO and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office -----	Alaska
Arizona State Office -----	Arizona
California State Office -----	California
Colorado State Office -----	Colorado
Eastern States Office -----	Arkansas, Iowa, Louisiana, Minnesota, Missouri and, all States east of the Mississippi River
Idaho State Office -----	Idaho
Montana State Office -----	Montana, North Dakota, and South Dakota
Nevada State Office-----	Nevada
New Mexico State Office -----	New Mexico, Kansas, Oklahoma, and Texas
Oregon State Office -----	Oregon and Washington
Utah State Office -----	Utah
Wyoming State Office -----	Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Headquarters Office, Bureau of Land Management, 760 Horizon Drive, Grand Junction, CO 81506.

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(Form 1842-1, September 2020)